

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 5:04cv74-C

LOWE’S COMPANIES, INC. and)
LOWE’S HOME CENTERS, INC.)
)
Plaintiffs,)
)
v.)
)
CHEVRO INTERNATIONAL, INC.,)
MURRAY FEISS IMPORT CORP., and)
ROYCE LIGHTING)
)
Defendants, and)
)
MARY BETH PETERS, in her official capacity)
as REGISTER OF DEEDS,)
)
Counter-defendant)
_____)

ORDER

THIS MATTER is before the Court on the Joint Motion for Dismissal of Defendants Chevy, Murray Feiss, Royce Lighting and Peters (Doc No. 53) and Plaintiff Lowe’s Response (Doc. No. 54).

In the motion, the defendants agree to the dismissal of counterclaims and crossclaims raised by Chevy in its Answer (Doc. No. 3) pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Lowe’s responds that it does not oppose, but does not consent, to the dismissal. (Doc. No. 54: Response at 1, 4). “A plaintiff’s motion under Rule 41(a)(2) for dismissal without prejudice should not be denied absent substantial prejudice to the defendant.” S.A. Andes v. Versant Corp., 788 F.2d 1033, 1036 (4th Cir. 1986). Lowe’s response, filed under seal, discusses its remaining claim against Murray Feiss, but does not allege or establish such claim would be

substantially prejudiced by the defendants' requested dismissal of Chevro's counterclaims and crossclaims.

IT IS, THEREFORE, ORDERED, that the defendants' Joint Motion for Dismissal (Doc No. 53) is **GRANTED**. Accordingly, Chevro's claims against Lowe's, Murray Feiss, and Royce Lighting are dismissed with prejudice and Chevro's claim for copyright registration is dismissed without prejudice.

Signed: October 18, 2005

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

